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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,198	09/24/2003	David J. Jochem	5723-70259	2652
23643	7590	10/06/2005	EXAMINER	
BARNES & THORNBURG 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			LEE, EDMUND H	
			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,198

Applicant(s)

JOCHEM, DAVID J.

Examiner

EDMUND H. LEE

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/30/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 7-12 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for compressing a material through an opening to create a cap liner and a grip portion, does not reasonably provide enablement for compressing a material to create a cap liner and a grip portion. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. For a cap liner and a grip portion to be created, an opening is needed for the material to pass from the interior to the exterior.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Blomdahl et al (US 2002/0113032). Blomdahl et al teach the claimed process as evidenced by figs 7-

8.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blomdahl et al (2002/0113032). The above teachings of Blomdahl et al are incorporated hereinafter. Blomdahl et al, however, do not teach compressing the material; extruding, weighing, and ceasing the extruding once a predetermined weight is detected; and forming the cap at a first station, applying at a second station, and compressing at a third station. In regard to compressing the material, such is well-known in the closure art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to compress the material of Blomdahl et al in order to facilitate the molding of the liner and grip. In regard to extruding, weighing, and ceasing the extruding once a predetermined weight is detected, such steps are well-known in the molding art in order to ensure proper amounts of molding material and to reduce unnecessary waste. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the claimed steps in the process of Blomdahl et al in order to ensure proper amounts of material in the caps of Blomdahl et al. In regard to forming the cap at a first station, applying at a second station, and compressing at a third station, it is well-known in the closure art to form the components of a closure and liner in a production line with many stations. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to mold the closure, liner, and grip portions of Blomdahl et al in a production line at different stations in order to facilitate the molding of the closure.

6. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blomdahl et al (US 2002/0113032) in view of Hock et al (USPN 6696123). In regard to

claim 7, Blomdahl et al teach the basic claimed process including a method of producing a liquid container closure (figs 7-8); providing a cap having an interior surface defining an interior region and exterior surface lying outside the interior region (figs 7-8); and passing a plastic material located in the interior region to create a monolithic compliant member having a cap liner located on the interior surface of the cap and adapted to mate with a neck of a beverage container received in the interior region of the cap and a grip portion on the exterior surface of the cap (figs 7-8). Blomdahl et al, however, do not teach compressing the material. Hock et al teach a method of molding a plastic closure wherein an extruded pellet is placed on an interior surface of a cap and then compressed to form a liner (figs 1-2). Blomdahl et al and Hock et al are combinable because they are analogous with respect to forming closures. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to compress the material of Blomdahl et al as taught by Hock et al in order to facilitate the molding of the liner. In regard to claim 8, such are taught by the combined teachings of Blomdahl et al and Hock et al. In regard to claim 9, such steps are well-known in the molding art in order to ensure proper amounts of molding material and to reduce unnecessary waste. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the claimed steps in the process of Blomdahl et al in order to ensure proper amounts of material in the caps of Blomdahl et al. In regard to claim 10, such is taught by Blomdahl et al (figs 7-8). In regard to claim 11, it is well-known in the closure art to form the components of a closure and liner in a production line with many stations. Thus, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to mold the closure, liner, and grip portions of Blomdahl et al in a production line at different stations in order to facilitate the molding of the closure. In regard to claim 12, such steps are well-known in the molding art in order to ensure proper amounts of molding material and to reduce unnecessary waste. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the claimed steps in the process of Blomdahl et al in order to ensure proper amounts of material in the caps of Blomdahl et al.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents show the state of the art: USPNs 4343754, 6481589, 4088730, 4312824, 4497765, and 6371318.

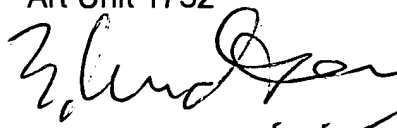
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EHL

EDMUND H. LEE
Primary Examiner
Art Unit 1732


10/3/07